

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**October 7, 2003**

**IN RE:**

**IMPLEMENTATION OF THE FEDERAL  
COMMUNICATIONS COMMISSION'S  
TRIENNIAL REVIEW ORDER – 9 MONTH  
PROCEEDING – SWITCHING**

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**DOCKET NO.  
03-00491**

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**ORDER APPROVING THE PROCESS FOR MARKET DEFINITION**

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This matter came before the Hearing Officer on October 6, 2003 at a Status Conference held to consider the recommendations regarding the process of market definition. In attendance at this Status Conference were BellSouth Telecommunications, Inc. ("BellSouth"), Sprint,<sup>1</sup> Competitive Carriers of the South, Inc. ("CompSouth")<sup>2</sup>, and the Consumer Advocate and Protection Division of the Office of the Attorney General ("CAPD").

As part of the impairment analysis for mass market switching required by the Federal Communications Commission's Triennial Review Order ("TRO"), the Tennessee Regulatory Authority ("TRA") is required to define the relevant geographic markets.<sup>3</sup> To facilitate this process, the Hearing Officer sought comment from the Parties regarding possible methodologies and proposed market definitions and scheduled a Status Conference to discuss these comments.

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<sup>1</sup> United Telephone Southeast, Inc., Sprint PCS, and Sprint Communications LP.

<sup>2</sup> The members of CompSouth include: Access Integrated Networks, Inc., MCI, Birch Telecom, Business Telecom, Inc., Covad Communications Company, AT&T, NewSouth Communications Corp., Talk America, Nuvox Communications, Inc., ITC^DeltaCom, Xspedius Communications, Momentum Business Solutions, Cinergy Communications Company, Network Telephone Corp., KMC Telecom, Z-Tel Communications, Inc., and IDS Telecom LLC.

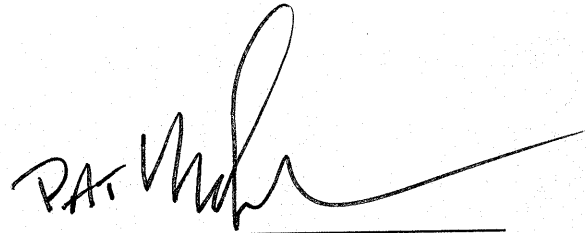
<sup>3</sup> 17 CFR 51.319(d)(2)(i).

While expressing some difference in opinion regarding the proper treatment of market definition in the overall impairment analysis process, the Parties unanimously agreed that an accurate market definition could not be accomplished prior to completion of discovery, including data requests from the TRA's Staff. In addition, BellSouth and CompSouth jointly requested that the process of market definition not begin until the filing of direct testimony.

Based upon the recommendations of the Parties,

**IT IS THEREFORE ORDERED THAT:**

The process of defining the geographic markets will begin when the Parties file their direct testimony.

A handwritten signature in black ink, appearing to read "Pat Miller", with a long horizontal line extending to the right.

Pat Miller, Director  
as Hearing Officer